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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/017,793

12/12/2001

Youfeng Wu

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9134

7590

06/15/2006

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EXAMINER

TREAT, WILLIAM M

ART UNIT

PAPER NUMBER

2181

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,793

Applicant(s)

WU ET AL.

Examiner

William M. Treat

Art Unit

2181

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 13-16, 19, 20, 23, 24 and 27-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 24 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 13-16, 19, 20, 23, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2181

1. Claims 1-10, 13-16, 19-20, 23-24, and 27-31 are presented for examination.
2. Applicants inadvertently designated claim 18 as original when they intended to designate it as cancelled since they had deleted its contents and incorporated the claim into independent claim 13. The examiner has treated the claim as cancelled, but applicants must so designate it in any subsequent responses.
3. The amendment filed 4/7/2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: Applicants amended their specification to recite "both pipelines 105, 120 may be included in a single processor 175". However, on page 11 of their original disclosure, lines 4-11, "article 175" is clearly not a processor. Also, applicants' original specification and Fig. 1 clearly depicted element 172 of their drawings as a single processor containing both pipelines. Now, element 172 does not correspond with applicants' original disclosure. And, while element 174 is now depicted in applicants' drawings, its presence, as depicted, causes a conflict with the original disclosure and drawings. The examiner is suggesting applicants may need something like a Fig. 1A to depict the two alternatives as well as relevant amendments to the specification if they are to correct the problem. If such a figure and amendments can be satisfactorily supported and explained in light of the original disclosure, the examiner will enter them.
4. Applicant is required to cancel the new matter in the reply to this Office Action.

Art Unit: 2181

5. The drawings were received on 4/7/2006. These drawings are not acceptable because of noncompliance with 37 CFR 1.121(f). See paragraph 3, *supra*, for a further explanation.

6. The drawings are objected to because different reference characters seem to designate the same element, 37 CFR 184(p), (172, 174), reference characters are used incorrectly (175) and reference characters in the specification are not found in the original drawings (174). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the second processor

Art Unit: 2181

of claims 13-16 and 19, which is implied by the use of "first processor" in claim 13 and specifically referenced in claim 15, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

8. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 13-16 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2181

11. The inconsistency between applicants' original drawings and the claim language renders the scope of the claims indefinite.

12. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

13. Claims 20, 23, and 30-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants defined a "machine accessible medium" to be "an electrical, optical, or electromagnetic conductor" on page 11, lines 7-8, of their specification. As best the examiner is able to determine, applicants are attempting to claim an embodiment of their invention which requires that their functional data be embodied as intangible electrical, electromagnetic, or light energy. This is inconsistent with the current guidelines for examiners for determining appropriate inventive subject matter under 35 USC 101 which require the data to be in tangible form not merely some conductor for the data. (See the Official Gazette dated 11/22/2005.)

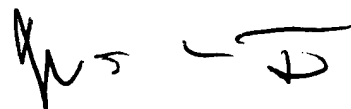
14. Claims 1-10, 20, 24, and 27-29 are allowable over the prior art of record.

15. Any inquiry concerning this communication should be directed to William M. Treat at telephone number (571) 272-4175.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2181

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'W. M. Treat'.

**WILLIAM M. TREAT
PRIMARY EXAMINER**